IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1511 OF 2005
IN
SUIT NO.2554 OF 2004

Manoj Punjalal Patel Plaintiff

versus

Mohammedali Yusuf Shaikh & ors. Defendants

Mr.T.N.Vora i/by Bharat Joshi for plaintiff.

Mr.Rahul Rao i/by I.V.Rao for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. After hearing Shri Vora for plaintiff in support and Shri Rao appearing for defendants to oppose this Chamber Summons, as also perusing the affidavit in support and the affidavit in reply, in my view, no prejudice will be caused to the defendants by mere correction of area of the immovable property. The amendment only seeks to add particulars with regard to the property covered by a Memorandum of Understanding. Such particulars being incorporated, does not

prejudice the defendants. It is always open to them to raise all pleas on merits including that the immovable property was always in their possession and that no encroachment was done on the property which was allotted to them by MHADA..

2. Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within two weeks from today. Amended plaint to be served within four weeks thereafter. Plaintiffs to pay costs quantified at Rs.1,000/- (Rs.One thousand only). Payment of costs is condition precedent.

(S.C.DHARMADHIKARI, J.)